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By R. Sanchez, Deputy Clerk

11 Attorneys for Plaintiff, WILLIAM JAMES MITCHELL

12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
13 **COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

14 WILLIAM JAMES MITCHELL,
15 Plaintiff,
16 v.
17 TWIN GALAXIES, LLC,
18 Defendants.

Case No. 19STCV12592
[Hon. Hon. Wendy Chang, Department 36]

**PLAINTIFF’S RESPONSE TO
DEFENDANT’S OBJECTIONS TO
EVIDENCE RE PLAINTIFF’S MOTION
TO DISQUALIFY DAVID A.
TASHROUDIAN AND THE
TASHROUDIAN LAW GROUP, APC
FROM FURTHER REPRESENTATION
OF DEFENDANT TWIN GALAXIES,
LLC.**

Date: November 17, 2023
Time: 8:30 a.m.
Dept.: 36

Trial Date: 1/26/2023

19 TO THE HONORABLE COURT, ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

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21 Plaintiff WILLIAM JAMES MITCHELL (“Plaintiff”) hereby submits this response to
22 Defendant’s Objection to Evidence filed in support of Defendant’s Opposition to Motion to
23 Disqualify.

24 **Compendium of Evidence**

25 1. **Exhibit D**

26 Grounds for Objection: Lacks Foundation, Evid. Code §§ 702(a), 1400(a) and 1401(a);
27 Lacks Certification, CCP §2015.5.
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1 Response to Objection: Evid. Code § 702(a) does not apply because the subject testimony is
2 not being used for the substance of the testimony but the conduct of the counsel. Evid. Code §§
3 1400(a) and 1401(a) do not apply because the exhibit was authenticated by declaration. CCP §
4 2015.5 does not apply because depositions are expressly excluded from the section’s application.

5 **Ruling:** Sustained _____ Overruled _____
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7 2. **Exhibit F**

8 Grounds for Objection: Lacks Foundation, Evid. Code §§ 702(a), 1400(a) and 1401(a);
9 Lacks Certification, CCP §2015.5.

10 Response to Objection: Evid. Code § 702(a) does not apply because the subject testimony is
11 not being used for the substance of the testimony but the conduct of the counsel. Evid. Code §§
12 1400(a) and 1401(a) do not apply because the exhibit was authenticated by declaration. CCP §
13 2015.5 does not apply because depositions are expressly excluded from the section’s application.

14 **Ruling:** Sustained _____ Overruled _____
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16 3 **Exhibit G**

17 Grounds for Objection: Hearsay, Evid. Code §§ 1200(a), 1200(b); Lacks Foundation, Evid.
18 Code §§ 702(a), 1400(a) and 1401(a); Lacks Certification, CCP §2015.5.

19 Response to Objection: Evid. Code §§ 1200(a), 1200(b) do not apply because the exhibit is
20 not offered for the proof of the matter asserted but goes to counsel’s state of mind. Evid. Code §
21 702(a) does not apply because the subject testimony is not being used for the substance of the
22 testimony but the conduct of the counsel. Evid. Code §§ 1400(a) and 1401(a) do not apply because
23 the exhibit was authenticated by declaration. CCP § 2015.5 does not apply because the exhibit is
24 not a sworn statement.

25 **Ruling:** Sustained _____ Overruled _____
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4. **Exhibit H**

Grounds for Objection: Lacks Foundation, Evid. Code §§ 702(a), 1400(a) and 1401(a); Lacks Certification, CCP §2015.5.

Response to Objection: Evid. Code § 702(a) does not apply because the subject testimony is not being used for the substance of the testimony but the conduct of the counsel. Evid. Code §§ 1400(a) and 1401(a) do not apply because the exhibit was authenticated by declaration. CCP § 2015.5 does not apply because depositions are expressly excluded from the section’s application.

Ruling: Sustained _____ Overruled _____

5. **Exhibit I**

Grounds for Objection: Hearsay, Evid. Code §§ 1200(a), 1200(b); Lacks Foundation, Evid. Code §§ 702(a), 1400(a) and 1401(a); Lacks Certification, CCP §2015.5.

Response to Objection: Evid. Code §§ 1200(a), 1200(b) do not apply because the exhibit is an admission of a party. Evid. Code § 702(a) does not apply because the exhibit is verified discovery responses. Evid. Code §§ 1400(a) and 1401(a) do not apply because the exhibit was authenticated by declaration. CCP § 2015.5 does not apply because the exhibit is not a sworn statement.

Ruling: Sustained _____ Overruled _____

6. **Exhibit J**

Grounds for Objection: Hearsay, Evid. Code §§ 1200(a), 1200(b); Lacks Foundation, Evid. Code §§ 702(a), 1400(a) and 1401(a); Lacks Certification, CCP §2015.5.

Response to Objection: Evid. Code §§ 1200(a), 1200(b) do not apply because the exhibit is an admission of a party. Evid. Code § 702(a) does not apply because the exhibit is verified discovery responses. Evid. Code §§ 1400(a) and 1401(a) do not apply because the exhibit was authenticated by declaration. CCP § 2015.5 does not apply because the exhibit is not a sworn statement.

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7. **Exhibit L**

Grounds for Objection: Hearsay, Evid. Code §§ 1200(a), 1200(b); Lacks Foundation, Evid. Code §§ 702(a), 1400(a) and 1401(a); Lacks Certification, CCP §2015.5.

Response to Objection: Evid. Code §§ 1200(a), 1200(b) do not apply because the exhibit is a statement against interest. Evid. Code § 702(a) does not apply because the witness has personal knowledge. Evid. Code §§ 1400(a) and 1401(a) do not apply because the exhibit was authenticated by declaration. CCP § 2015.5 does not apply because the exhibit is not a sworn statement.

Ruling: Sustained _____ Overruled _____

8. **Exhibit M**

Grounds for Objection: Hearsay, Evid. Code §§ 1200(a), 1200(b); Lacks Foundation, Evid. Code §§ 702(a), 1400(a) and 1401(a); Lacks Certification, CCP §2015.5.

Response to Objection: Evid. Code §§ 1200(a), 1200(b) do not apply because the exhibit is an admission of a party. Evid. Code § 702(a) does not apply because the exhibit is verified discovery responses. Evid. Code §§ 1400(a) and 1401(a) do not apply because the exhibit was authenticated by declaration. CCP § 2015.5 does not apply because the exhibit is not a sworn statement.

Ruling: Sustained _____ Overruled _____

9. **Exhibit N**

Grounds for Objection: Hearsay, Evid. Code §§ 1200(a), 1200(b); Lacks Foundation, Evid. Code §§ 702(a), 1400(a) and 1401(a); Lacks Certification, CCP §2015.5.

Response to Objection: Evid. Code §§ 1200(a), 1200(b) do not apply because the exhibit is an admission of a party. Evid. Code § 702(a) does not apply because the exhibit is verified discovery responses. Evid. Code §§ 1400(a) and 1401(a) do not apply because the exhibit was authenticated by declaration. CCP § 2015.5 does not apply because the exhibit is not a sworn statement.

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10. **Exhibit O**

Grounds for Objection: Hearsay, Evid. Code §§ 1200(a), 1200(b); Lacks Foundation, Evid. Code §§ 702(a), 1400(a) and 1401(a); Lacks Certification, CCP §2015.5.

Response to Objection: Evid. Code §§ 1200(a), 1200(b) do not apply because the exhibit is an admission of a party. Evid. Code § 702(a) does not apply because the exhibit is verified discovery responses. Evid. Code §§ 1400(a) and 1401(a) do not apply because the exhibit was authenticated by declaration. CCP § 2015.5 does not apply because the exhibit is not a sworn statement.

11. **Exhibit P**

Grounds for Objection: Hearsay, Evid. Code §§ 1200(a), 1200(b); Lacks Foundation, Evid. Code §§ 702(a), 1400(a) and 1401(a); Lacks Certification, CCP §2015.5.

Response to Objection: Evid. Code §§ 1200(a), 1200(b) do not apply because the exhibit is an admission of a party. Evid. Code § 702(a) does not apply because the exhibit is verified discovery responses. Evid. Code §§ 1400(a) and 1401(a) do not apply because the exhibit was authenticated by declaration. CCP § 2015.5 does not apply because the exhibit is not a sworn statement.

Ruling: Sustained _____ Overruled _____

12. **Exhibit Q**

Grounds for Objection: Hearsay, Evid. Code §§ 1200(a), 1200(b); Lacks Foundation, Evid. Code §§ 702(a), 1400(a) and 1401(a); Lacks Certification, CCP §2015.5.

Response to Objection: Evid. Code §§ 1200(a), 1200(b) do not apply because the exhibit is an admission of a party. Evid. Code § 702(a) does not apply because the exhibit is verified discovery responses. Evid. Code §§ 1400(a) and 1401(a) do not apply because the exhibit was authenticated by declaration. CCP § 2015.5 does not apply because the exhibit is not a sworn statement.

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13. **Exhibit S**

Grounds for Objection: Hearsay, Evid. Code §§ 1200(a), 1200(b); Lacks Foundation, Evid. Code §§ 702(a), 1400(a) and 1401(a); Lacks Certification, CCP §2015.5.

Response to Objection: Evid. Code §§ 1200(a), 1200(b) do not apply because the exhibit is an admission of a party. Evid. Code § 702(a) does not apply because the exhibit is verified discovery responses. Evid. Code §§ 1400(a) and 1401(a) do not apply because the exhibit was authenticated by declaration. CCP § 2015.5 does not apply because the exhibit is not a sworn statement.

Ruling: Sustained _____ Overruled _____

14. **Exhibit T**

Grounds for Objection: Hearsay, Evid. Code §§ 1200(a), 1200(b); Lacks Foundation, Evid. Code §§ 702(a), 1400(a) and 1401(a); Lacks Certification, CCP §2015.5.

Response to Objection: Evid. Code §§ 1200(a), 1200(b) do not apply because the exhibit is an admission of a party. Evid. Code § 702(a) does not apply because the exhibit is verified discovery responses. Evid. Code §§ 1400(a) and 1401(a) do not apply because the exhibit was authenticated by declaration. CCP § 2015.5 does not apply because the exhibit is not a sworn statement.

Ruling: Sustained _____ Overruled _____

15. **Exhibit U**

Grounds for Objection: Hearsay, Evid. Code §§ 1200(a), 1200(b); Lacks Foundation, Evid. Code §§ 702(a), 1400(a) and 1401(a); Lacks Certification, CCP §2015.5.

Response to Objection: Evid. Code §§ 1200(a), 1200(b) do not apply because the exhibit is an admission of a party. Evid. Code § 702(a) does not apply because the exhibit is verified discovery responses. Evid. Code §§ 1400(a) and 1401(a) do not apply because the exhibit was authenticated by declaration. CCP § 2015.5 does not apply because the exhibit is not a sworn statement.

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16. **Exhibit V**

Grounds for Objection: Hearsay, Evid. Code §§ 1200(a), 1200(b); Lacks Foundation, Evid. Code §§ 702(a), 1400(a) and 1401(a); Lacks Certification, CCP §2015.5.

Response to Objection: Evid. Code §§ 1200(a), 1200(b) do not apply because the exhibit is an admission of a party. Evid. Code § 702(a) does not apply because the exhibit is verified discovery responses. Evid. Code §§ 1400(a) and 1401(a) do not apply because the exhibit was authenticated by declaration. CCP § 2015.5 does not apply because the exhibit is not a sworn statement.

Ruling: **Sustained** _____ **Overruled** _____

Objections to Declaration of William Mitchell

17. **Paragraph 2**

Grounds for Objection: Lacks Personal Knowledge, Evid. Code § 800(b).

Response to Objection: Evid. Code § 800(b) does not apply because the declarant is not testifying as a an expert and is testifying as to material that is rationally based on his perception.

Ruling: **Sustained** _____ **Overruled** _____

18. **Paragraph 3**

Grounds for Objection: Hearsay, Evid. Code §§ 1200(a), 1200(b).

Response to Objection: Evid. Code §§ 1200(a), 1200(b) do not apply because Mr. Childs is unavailable as he refuses to testify and Mr. Childs’ attorney stated such in emails to all counsel on May 24, 2023 attached to Plaintiff’s Reply as Exhibit A.

Ruling: **Sustained** _____ **Overruled** _____

19. **Paragraph 5**

Grounds for Objection: Hearsay, Evid. Code §§ 1200(a), 1200(b).

Response to Objection: Evid. Code §§ 1200(a), 1200(b) do not apply because Mr. Johnson declared as such in his declaration attached to Plaintiff’s Motion as Exhibit C.

Ruling: **Sustained** _____ **Overruled** _____

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20. **Paragraph 6, Exh. D**

Grounds for Objection: Lacks Personal Knowledge, Evid. Code § 800(b); Lacks Foundation, Evid. Code §§ 702(a), 1400(a) and 1401(a).

Response to Objection: Evid. Code § 800(b) does not apply because the declarant is not testifying as a an expert and is testifying as to material that is rationally based on his perception; Evid. Code § 702(a) does not apply because the subject testimony is not being used for the substance of the testimony but the conduct of the counsel. Evid. Code §§ 1400(a) and 1401(a) do not apply because the exhibit was authenticated by declaration.

Ruling: Sustained _____ Overruled _____

21. **Paragraph 6(sic), Exh. F**

Grounds for Objection: Lacks Personal Knowledge, Evid. Code § 800(b); Lacks Foundation, Evid. Code §§ 702(a), 1400(a) and 1401(a).

Response to Objection: Evid. Code § 800(b) does not apply because the declarant is not testifying as a an expert and is testifying as to material that is rationally based on his perception; Evid. Code § 702(a) does not apply because the subject testimony is not being used for the substance of the testimony but the conduct of the counsel. Evid. Code §§ 1400(a) and 1401(a) do not apply because the exhibit was authenticated by declaration.

Ruling: Sustained _____ Overruled _____

22. **Paragraph 9, Exh. L**

Grounds for Objection: Lacks Personal Knowledge, Evid. Code § 800(b); Lacks Foundation, Evid. Code §§ 702(a), 1400(a) and 1401(a).

Response to Objection: Evid. Code § 800(b) does not apply because the declarant is not testifying as a an expert and is testifying as to material that is rationally based on his perception; Evid. Code § 702(a) does not apply because the subject testimony is not being used for the substance of the testimony but the conduct of the counsel. Evid. Code §§ 1400(a) and 1401(a) do not apply because the exhibit was authenticated by declaration.

